



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/479,810	06/07/95	BEDNORZ	J Y0987-074BY

IBM CORPORATION
INTELLECTUAL PROPERTY LAW
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IM51/0326

EXAMINER

MC GINTY, D

ART UNIT

PAPER NUMBER

1751

17

DATE MAILED:

03/26/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/479,810

Applicant(s)

Bednorz et al.

Examiner

Douglas J. McGinty

Group Art Unit

1751



☒ Responsive to communication(s) filed on Dec 2, 1997 (NON-RESPONSIVE)

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-129 is/are pending in the application

Of the above, claim(s) the non-elected claims is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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NOTICE OF NON-RESPONSIVE AMENDMENT

1. The reply filed on December 2, 1997 as paper no. 16 is not fully responsive¹ to the prior Office action because of the following omission(s) or matter(s):

a. The following inconsistencies are seen in the December 2, 1997 Amendment and Response, paper no. 16:

- i. Claim 1, lines 2 and 5, has "26'K" instead of -- 26°K --.
- ii. Claim 1, line 7, does not have underlining for "current".
- iii. Claim 12, line 2, has "260°K" instead of -- 26°K --.
- iv. Claim 12, line 7, has "260K" instead of -- 26°K --.
- v. Claim 24, line 3, has "26'K" instead of -- 26°K --.
- vi. Claim 24, line 6, does not have underlining for "superconducting current".
- vii. Claim 34, line 2, has "260K" instead of -- 26°K --.
- viii. Claim 34, line 3, should have "3+" as a superscript.
- ix. Claim 55, line 3, has "26oK" instead of -- 26°K --.
- x. Claim 57, line 3, has the apparently inadvertent deletion of "elements".
- xi. Claim 59, lines 2, 5 (2X), and 7, have deletions of the term "ceramic-like",

while the applicants argue at p. 23, para. 1, of their response that the same term is definite.

¹See 37 CFR 1.111.

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b. The above inconsistencies leave this Examiner without a clear understanding of the amendments the applicants intended to make. For instance, the applicant may or may not have intended to raise the T_c to 260°K. This Examiner would have had to speculate as to what the applicants intended for the other amendments as well. This Notice provides the applicants with the opportunity to clarify their intent before this Examiner makes a decision on the merits, thereby expediting prosecution.

c. It is requested that the Response to this Notice be reviewed **carefully** for any other such mistakes or emissions.

2. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

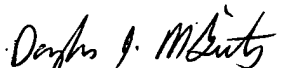
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas J. McGinty, whose telephone number is (703) 308-3805. The examiner normally can be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M., Eastern time. If *reasonable* attempts to reach the examiner by telephone are unsuccessful, however, the examiner's supervisor, Mr. Paul Lieberman, can be reached at (703) 308-2523. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661. The fax number for this Technology Center is (703) 305-3599.

March 24, 1998

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Douglas J. McGinty
Primary Examiner
Group 1751